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OFFICE OF PETITIONS

In re Application of :
Robert Beck and Paul Manos :
Application No. 10/055,799 :
Filed: October 25, 2001 :
Attorney Docket No. WOW-002XX :
Title: 2,4,-HEXADIENOIC ACID, ITS :
ALKALI SALTS AND/OR DERIVATIVES FOR: :
PREVENTING OXIDATIVE CORROSION OF :
METALS :

DECISION ACCORDING STATUS
UNDER 37 C.F.R. §1.47(a)

This is in response to the Petition under 37 C.F.R. §1.47(a), filed June 13, 2002 (certificate of mailing May 29, 2002). This petition was recently forwarded to the Office of Petitions for consideration.

The petition is **GRANTED**.

The above-identified application was filed on October 25, 2001, with an unexecuted declaration and missing the statutory basic filing fee. Robert Beck and Paul Manos were named as joint inventors. Accordingly, on March 29, 2002, applicants were mailed a "Notice to File Missing Parts of Application," requiring the missing items and a surcharge for late filing. This Notice set a period for reply of two months from the mailing date of the notice, with extensions of time obtainable under §1.136(a).

In response, rule 47 applicant timely filed *inter alia* a declaration executed by joint inventor Manos on behalf of himself and on behalf of nonsigning inventor Beck, with the instant petition (and fee); the surcharge for late filing under 1.16(e); and the outstanding fees. Rule 47 applicant maintains that status under §1.47(a) is proper because inventor Beck has refused to join in the application after having been presented with the application papers.

In support thereof, applicant submitted the declaration of attorney Holliday C. Heine, Ph.D., detailing the circumstances of inventor Beck's refusal to sign the declaration for patent. Applicants further submitted copies of: the cover letter transmitting the declaration (and application papers) to the nonsigning inventor; and a letter in response from the nonsigning inventor. On petition, Dr. Heine specifically states that a copy of the application was presented to the inventor along with the declaration, and that inventor Beck did not execute and return the declaration as instructed. The inventor's letter further supports a conclusion that inventor Beck refuses to join in the application.

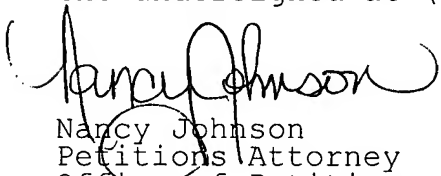
Having considered the evidence, it is concluded that applicants have shown that inventor Beck has refused to join in the application. The declaration filed June 13, 2002, and the petition have been reviewed and found in compliance with 37 C.F.R. §§1.63 and 1.47(a). The petition includes payment of the petition fee and a statement of the last known address of inventor Beck.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

A handwritten signature in cursive script, appearing to read "Nancy Johnson", is written over the typed name and title.

Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy